Docket No.: 448252001600
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yuki MIURA

Application No.: 10/575,174 Confirmation No.: 6816

Filed (Intl.): October 6, 2004 Art Unit: 2178

For: SYSTEM AND PROGRAM FOR DISPLAYING DEVICE INFORMATION USING BROWSER Examiner: K. R. Stork

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This brief is in furtherance of the Notice of Appeal, filed in this case on January 14, 2010.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1205:

I.	Real Party In Interest
II	Related Appeals and Interferences
III.	Status of Claims
IV.	Status of Amendments
V.	Summary of Claimed Subject Matter
VI.	Grounds of Rejection to be Reviewed on Appeal
VII.	Argument
VIII.	Claims

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

Access Company, Ltd., having a place of business in Tokyo, Japan.

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 19 claims pending in application.

B. Current Status of Claims

1. Claims canceled: None
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 1-19
4. Claims allowed: None
5. Claims rejected: 1-19

C. Claims On Appeal

The claims on appeal are claims 1-19

IV. STATUS OF AMENDMENTS

No Amendments remain outstanding.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 recites a device information displaying system (*see*, *e.g.*, 6:21-30, Fig. 1, block A) for displaying device internal information (*see*, *e.g.*, 9:19-27, 10:22-32) of one or more information devices (*see*, *e.g.*, Fig. 2, 6:16-28; 11:31-32, 12:19-32, 1:6-19, 1:28-29). The system comprises an information browsing unit (*see*, *e.g.*, Fig 1, block A1) which acquires and analyzes document data described in a markup language (*see*, *e.g.*, 7:2-7, Fig. 1, K31-33), converts the acquired document data into layout data having a prescribed structure based on result of the analysis (*see*, *e.g.*, 7:8-15, Fig. 1 K34-36), and is adapted to make a display based on the layout data (*see*, *e.g.*, 7:27-30, Fig. 1, K37-38). The system further comprises a device information providing unit which acquires the device internal information of the one or more information devices (*see*, *e.g.*, 7:31-9:27, Fig. 1, K40), generates display data containing the device internal information and having a structure equivalent to the prescribed structure of the layout data generated by the information browsing unit (*see*, *e.g.*, 10:7-18, Fig. 1, K42, Fig. 4, 11:2-6), and displays the generated display data through the information browsing unit (*see*, *e.g.*, 11:7-10, 6:11-15, Fig. 1, K37-38).

Independent claim 10 recites a computer program product comprising a computer-readable storage medium containing computer-readable instructions (*see*, *e.g.*, 3:23-32, 6:26-26). The instructions cause a computer to function as an information browsing unit (*see*, *e.g.*, 3:23-32, Fig. 1, block A1) which acquires and analyzes document data described in a markup language (*see*, *e.g.*, 7:2-7, Fig. 1, K31-33), converts the acquired document data into layout data having a prescribed structure based on result of the analysis (*see*, *e.g.*, 7:8-15, Fig. 1, K34-36), and is adapted to make a display based on the layout data (*see*, *e.g.*, 7:27-30, 6:9-11, Fig. 1, K37-28). The instructions further cause a computer to function as a device information providing unit (*see*, *e.g.*, 3:23-32) which acquires device internal information of one or more information devices (*see*, *e.g.*, 7:31-9:27, Fig. 1, K40), generates display data containing the device internal information of the one or more information devices and having a structure equivalent to the prescribed structure of the layout data generated by the information browsing unit (*see*, *e.g.*, 10:7-18, Fig. 1, K42, Fig. 4, 11:2-6), and displays the generated display data through the information browsing unit (*see*, *e.g.*, 11:7-10, 6:11-15, Fig. 1, K37-38).

Independent claim 19 recites an information browser program product comprising a computer-readable medium containing computer-readable instructions (*see*, *e.g.*, 4:29-31, 6:26-26). The instructions cause a computer to execute a function of making access to a Web server according to a prescribed protocol (*see*, *e.g.*, 4:29-31), along with an analysis function of acquiring and analyzing document data described in a markup language (*see*, *e.g.*, 4:31-32, 7:2-7, Fig. 1, K31-33). The instructions further cause a computer to execute a conversion function of converting the acquired document data into layout data having a prescribed structure based on result of the analysis (*see*, *e.g.*, 7:8-15, Fig. 1, K34-36). The instructions further cause a computer to execute a display function of making a display based on the layout data (*see*, *e.g.*, 7:27-30, Fig. 1, K37-38). The instructions further cause a computer to execute a device information providing function of acquiring device internal information of one or more information devices according to a prescribed program interface (*see*, *e.g.*, 7:31-9:27, Fig. 1, K40), converting the acquired device internal information into display data having a structure equivalent to the prescribed structure of the layout data (*see*, *e.g.*, 10:7-18, Fig. 1, K42, Fig. 4, 11:2-6), and displaying the generated display data through the display function (*see*, *e.g.*, 11:7-10, 6:11-15, Fig. 1, K37-38).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether claims 1-19 are unpatentable under 35 U.S.C. 103(a) as being obvious over Beranek et al. (UK Patent Application GB2329309, published March 17, 1999) in view of Fisher et al. (U.S. Application 2005/0091224 A1, filed October 22, 2003).

VII. ARGUMENT

A. Whether claims 1-19 are unpatentable under 35 U.S.C. 103(a) as being obvious over Beranek et al. (UK Patent Application GB2329309, published March 17, 1999, "Beranek") in view of Fisher et al. (U.S. Application 2005/0091224 A1, filed October 22, 2003, "Fisher").

Applicant respectfully submits that the combination of Beranek and Fisher fails to disclose each and every feature of independent claims 1, 10, and 19. Applicant further submits that the references fail to disclose each and every feature of dependent claims 2-9 and 11-18 for at least the reason that claims 2-9 and 11-18 incorporate features from independent claims 1 and 10, respectively.

1. The references do not disclose the generation of display data having a structure equivalent to the prescribed structure, as recited in claim 1

Beranek and Fisher, either alone or in combination, do not disclose the generation of display data, as recited in claim 1. In particular, Beranek and Fisher do not disclose a display data that has a structure ***equivalent to a prescribed structure***.

The first part of claim 1 recites an information browser unit that acquires and analyzes document data and "converts the acquired document data into layout data having a ***prescribed structure***." Therefore, the ***prescribed structure*** of the layout data is a structure that has been converted from document data. The device information providing unit recited in the latter portion of claim 1 generates display data ***having a structure equivalent to the prescribed structure*** and, therefore, allows for the acquisition and display of device internal information without creating or storing the device internal information as document data. This is advantageous in that it minimizes process overhead and resource consumption in a terminal device such as a mobile phone having relatively restricted resources. (*See, e.g.*, specification at 1:26-29; 2:15-18.)

In contrast, using the combined teachings of Beranek and Fisher produces a hypothetical system that creates an HTML document (as disclosed in Fisher) that can be intercepted and re-formatted to fit a particular display device (as disclosed in Beranek). For example, using the techniques disclosed in Fisher, a web-based system combines variable data with an HTML template to create ***an HTML document***. (Fisher at paragraph 0018.) Using the teachings of Beranek, a proxy server retrieves or intercepts the ***HTML document*** and re-formats the web content to enhance the "look and feel" for display on a web-appliance monitor. (Beranek at 5:7-11.) Assuming, *aurguendo*, that variable data of Fisher is analogous to device internal information of claim 1, the proposed combination requires that the variable data be converted to document data and ***stored in an HTML document***. The combination does not suggest acquiring device internal information and ***generating display data*** which has ***a structure equivalent to a prescribed structure*** as required by claim 1. As discussed above, the "prescribed structure" recited in claim 1 is a structure that has been converted ***from document data*** and, therefore, by definition cannot be an HTML document because the HTML document is itself document data. The proposed combination requires the creation of an intermediate HTML document and results in precisely the same undesirable process overhead and resource consumption that the proposed invention seeks to avoid. (*See*, *e.g.*, specification at 2:4-18.)

In particular, in the final Office Action dated October 14, 2009, the Examiner asserts that Beranek discloses the generation of display data having a structure equivalent to the prescribed structure of the layout data. The Examiner cites page 5, line 7 to page 6, line 20 and page 8, lines 9-17 of Beranek for support. (Final Office Action, page 3.) Cited portions of Beranek are directed to a web proxy server that receives a ***web document*** and reformats the appearance (*i.e.*, the look and feel) of the web content for display on a particular web appliance (*e.g.*, a device with a television class monitor). (*See, e.g.*, Beranek at 5:7-20.) Beranek explains:

> The proxy includes program means for intercepting and re-formatting a ***Web document*** in order to control how the Web document appears on the browser running on the Web appliance. The proxy modifies the "look and feel" of the Web document.

(Beranek at 6:1-3, emphasis added.) While Beranek does "discover" the characteristics of a monitor (Beranek at 5:7-11), there is no suggestion that these characteristics can be displayed as part of the re-formatted web content.

The Examiner admits that Beranek fails to disclose a device information providing unit that "acquires the device internal information of the one or more information devices, displays data contains [*sic*] device internal information." (*Id.*) The Examiner asserts that Figure 1 and paragraph 0018 of Fisher disclose a technique that obtains system information for each system. (*Id.*) The Examiner further asserts that the system information "is loaded into a ***page generation module***, which displays the system information within a web page template." (*Id.*, emphasis added.) Note however, the web generation module in Fisher, cited by the Examiner, displays the system information by generating a "complete HTML document." Fisher explains:

> A second executable code module or page generation module 110 combines the variable data with appropriate HTML template files 104 to ***produce complete HTML documents*** 112 . . . The HTML documents 112 are transferred to web-based clients 114 using standard hypertext transport protocol (http) and displayed as web pages.

(Fisher at paragraph 0018, emphasis added.)

Applicant submits that Fisher does not remedy deficiencies in the Beranek disclosure. In particular, Fisher does not disclose a device information providing unit that "acquires the device internal information of the one or more information devices, [and] generates display data containing the device internal information and having a structure equivalent to the prescribed structure of the layout data generated by the information browsing unit," as recited in claim 1. Relevant portions of Fisher describe a method of combining variable data (*i.e.*, system information) with an HTML template ***to create an HTML document***. (Fisher at paragraph 0018.) As described above, the HTML document in Fisher is transferred to a web-based client and displayed as a web page. (*Id.*) Assuming, *arguendo*, that the variable data of Fisher is analogous to the device internal information of claim 1, Fisher generates an ***HTML document*** and does not ***generate display data*** containing the device internal information. Moreover, Fisher does not disclose the generation of display data

"having a structure equivalent to the prescribed structure of the layout data generated by the information browsing unit." As discussed above, the "prescribed structure" recited in claim 1 is a structure that has been converted ***from document data*** and, therefore, by definition cannot be an HTML document which is itself document data. Accordingly, Beranek and Fisher fail to disclose an information providing unit that acquires device internal information and generates display data having a prescribed structure, as recited in claim 1.

Furthermore, as described above, modifying Beranek to incorporate the teachings of Fisher would merely result in a system that creates an HTML document containing variable data (as described in Fisher) that can be displayed using a web-proxy server (as described in Beranek). Fisher teaches ***the creation of HTML documents***. For example, Fisher describes a collaborative system that combines variable data with an HTML template to create an HTML document. (Fisher at paragraph 0018.) The HTML document is transferred to a web-client for display as a web page. (*Id.*) Likewise, Beranek teaches a system for ***displaying HTML documents***. In Beranek, a proxy server retrieves or intercepts an HTML document and re-formats the web content to enhance the 'look and feel' for display on a web appliance monitor. (Beranek at 5:7-11.) The proposed combination requires that the variable data be converted to document data and ***stored in an HTML document***. Neither Beranek nor Fisher disclose or suggest acquiring device internal information and ***generating display data*** which has a structure equivalent to a prescribed structure as required by claim 1.

In conclusion, Applicant submits that claim 1 is allowable over Beranek in view of Fisher for at least the reasons stated above.

2. The references do not disclose the generation of display data having a structure equivalent to the prescribed structure as recited in claim 10 and 19

Claims 10 and 19 also recite the acquisition of device internal information and the generation of display data ***having a structure equivalent to the prescribed structure*** of the layout data. For at least the reasons described with regard to claim 1, Applicant submits that Beranek and

Fisher do not disclose this feature of claims 10 and 19. Thus, Applicant submits that claims 10 and 19 are also patentable over the Beranek and Fisher references.

3. Dependent claims 2-9 and 11-18 are allowable because they incorporate limitations from allowable independent claims

Claims 2-9 and 11-18 depend from claims 1 and 10 respectively, and incorporate limitations including the acquisition of device internal information and the generation of display data ***having a structure equivalent to the prescribed structure*** of the layout data. Applicant submits that claims 2-9 and 11-18 are allowable for at least the reasons described with regard to claim 1.

In conclusion, Applicant submits that Beranek and Fisher fail to render claims 1-19 obvious. Accordingly, Applicant respectfully requests that the rejections of claims 1-19 be withdrawn and the claims allowed.

VIII. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A. No Amendments remain outstanding.

IX. EVIDENCE

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

X. RELATED PROCEEDINGS

No related proceedings are referenced in II. above, or copies of decisions in related proceedings are not provided, hence no Appendix is included.

Dated: March 12, 2010

Respectfully submitted,

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APPENDIX A

Claims Involved in the Appeal of Application Serial No. 10/575,174

Claim 1: A device information displaying system for displaying device internal information of one or more information devices, comprising:

an information browsing unit which acquires and analyzes document data described in a markup language, converts the acquired document data into layout data having a prescribed structure based on result of the analysis, and is adapted to make a display based on the layout data; and

a device information providing unit which acquires the device internal information of the one or more information devices, generates display data containing the device internal information and having a structure equivalent to the prescribed structure of the layout data generated by the information browsing unit, and displays the generated display data through the information browsing unit.

Claim 2: The device information displaying system according to claim 1, wherein the device information providing unit has stylized data corresponding to the type of the information device to be used as a base of the display data.

Claim 3: The device information displaying system according to claim 2, wherein the stylized data are prepared in multiple types corresponding to the types of the information devices.

Claim 4: The device information displaying system according to claim 1, wherein the device information providing unit further has a function of writing operation information, including at least one of setting information and a control instruction, into the one or more information devices.

Claim 5: The device information displaying system according to claim 4, wherein the device information providing unit includes a device information interface which functions as an

interface for receiving a request signal according to a prescribed procedure and executing the acquisition of the device internal information from the one or more information devices and the writing of the operation information according to the request signal.

Claim 6: The device information displaying system according to claim 5, wherein:

the information browsing unit and the device information providing unit are implemented in one information device, and

the device information interface acquires the device internal information of the one information device.

Claim 7: The device information displaying system according to claim 5, wherein the device information interface is connected to the one or more information devices via a wired and/or wireless network and acquires the device internal information from the one or more information devices via the network.

Claim 8: The device information displaying system according to claim 1, wherein the one or more information devices include at least one of a cellular phone, a home information appliance and a vehicle-mounted device.

Claim 9: The device information displaying system according to claim 1, wherein the device internal information includes at least one of information on the types of the information devices and information on peripheral devices of each of the one or more information devices.

Claim 10: A computer program product comprising a computer-readable storage medium containing computer-readable instructions that cause a computer to function as:

an information browsing unit which acquires and analyzes document data described in a markup language, converts the acquired document data into layout data having a prescribed structure based on result of the analysis, and is adapted to make a display based on the layout data; and

a device information providing unit which acquires device internal information of one or more information devices, generates display data containing the device internal information of the one or more information devices and having a structure equivalent to the prescribed structure of the layout data generated by the information browsing unit, and displays the generated display data through the information browsing unit.

Claim 11: The computer program product according to claim 10, wherein the device information providing unit has stylized data corresponding to the type of the information device to be used as a base of the display data.

Claim 12: The computer program product according to claim 11, wherein the stylized data are prepared in multiple types corresponding to the types of the information devices.

Claim 13: The computer program product according to claim 10, wherein the device information providing unit further has a function of writing operation information, including at least one of setting information and a control instruction, into the one or more information devices.

Claim 14: The computer program product according to claim 13, wherein the device information providing unit includes a program interface which receives a request according to a prescribed procedure and executes the acquisition of the device internal information from the one or more information devices and the writing of the operation information according to the request.

Claim 15: The computer program product according to claim 14, wherein:

the information browsing unit and the device information providing unit are implemented in one information device, and

the program interface acquires the device internal information of the one information device.

Claim 16: The computer program product according to claim 14, wherein the program interface is connected to the one or more information devices via a wired and/or wireless network enabling communication and acquires the device internal information from the one or more information devices via the network.

Claim 17: The computer program product according to claim 10, wherein the one or more information devices include at least one of a cellular phone, a home information appliance and a vehicle-mounted device.

Claim 18: The computer program product according to claim 10, wherein the device internal information includes at least one of information on the types of the information devices and information on peripheral devices of each of the one or more information devices.

Claim 19: An information browser program product comprising a computer-readable medium containing computer-readable instructions that cause a computer to execute:

a function of making access to a Web server according to a prescribed protocol, along with an analysis function of acquiring and analyzing document data described in a markup language;

a conversion function of converting the acquired document data into layout data having a prescribed structure based on result of the analysis;

a display function of making a display based on the layout data; and

a device information providing function of acquiring device internal information of one or more information devices according to a prescribed program interface, converting the acquired device internal information into display data having a structure equivalent to the prescribed structure of the layout data, and displaying the generated display data through the display function.